

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

CYNTHIA KREBS AND ROBERT P. KREBS

PLAINTIFFS

V.

CIVIL ACTION NO. 1:08cv133-LTS-RHW

NATIONWIDE MUTUAL INSURANCE COMPANY  
AND NATIONWIDE MUTUAL FIRE INSURANCE COMPANY

DEFENDANTS

**ORDER**

Plaintiffs, under the authority of Fed. R. Civ. P. 56(f) (Court may order continuance of summary judgment application to permit adequate presentation of opposition), were allowed [29] an extension of time to file their response to Defendants' [18] Motion for Summary Judgment. The [8] Case Management Order establishes December 1, 2008, as the discovery deadline, and December 15 as the motions deadline. In a Text Only Order entered on August 27, 2008, extending the time for expert designations (to October 1, 2008 for Plaintiffs and October 31 for Defendants), the United States Magistrate Judge advised the parties that the [16] Order for Mediation "should not delay or suspend discovery. Discovery should continue as scheduled."

Plaintiffs timely filed their [37] response to the motion for summary judgment. Now, Defendants request [47] that discovery be stayed pending resolution of its summary judgment motion. In doing so, they use this latest motion as an opportunity to re-argue the dispositive motion. Practically speaking, they also attempt to force the Court into an early decision while ignoring case management deadlines which are about to expire anyway.

The Court agrees with Plaintiffs that "[a] pending motion for summary judgment is no reason to stay discovery." Again from a practical viewpoint, such a course of action is fraught with the dangers of further delay and confusion. The Court expects all deadlines to be honored, and the parties should conduct themselves accordingly.

Therefore, **IT IS ORDERED:**

Defendants' [47] Motion to Stay Discovery Pending Resolution of Motion for Summary Judgment is **DENIED**.

**SO ORDERED** this the 6<sup>th</sup> day of November, 2008.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE